

REMARKS

I. STATUS OF THE CLAIMS

It is respectfully submitted that claims 1, 3 and 5-16 are pending and under consideration.

II. REJECTION OF CLAIMS 1, 5, 7-11, 13 AND 16 UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER EGNELL ET AL. (U.S. PATENT NO. 6,590,681) IN VIEW OF NAGEL ET AL. (U.S. PATENT NO. 5,481,399) AND SRIDHAR (U.S. PATENT NO. 5,778,118)

Claim 1 recites a rejection/add filter for blocking a third optical signal having one of a plurality of preset wavelengths contained in the passing signal that is branched by the optical branching coupler, inserting the second signal, and coupling the passing signal that passes the rejection/add filter with the second optical signal, the wavelength of the blocked third optical signal being the same as the wavelength of the inserted second optical signal.

The Office Action asserts on page 3 that Egnell discloses a blocking filter (31e) and an optical coupler (23e), but concedes that Egnell does not disclose a rejection/add filter that functions in the manner recited in claim 1. See page 3, of the Office Action. However, the Action states that "Nagel is relied upon for teaching that a single rejection/add filter may perform both the blocking function of the blocking filter 31e as well as the adding function of the optical coupler 23e in the system disclosed by Egnell et al." See pages 11 and 12 of the Office Action. The Action further asserts that it would have been obvious to a person of ordinary skill in the art to use a rejection/add filter as a blocking filter and coupler.

However, the combination of Egnell and Nagel fails to render the above features of claim 1 obvious. The Office Action asserts that it would have been obvious to a person of ordinary skill in the art to combine Egnell and Nagel "in order to manufacture the two elements more efficiently as one element and also provide an additional filtering of the added channel to remove noise from the added channel." See page 4, of the Office Action. Nagel discloses a filter for removing a first telemetry signal from and adding a second telemetry signal to a data signal in the context of a two-stage in-line erbium doped fiber amplifier (EDFA) system. See column 1, lines 13-15 and column 2, lines 35-39, of Nagel. Egnell, on the other hand, discloses an optical fiber network using wavelength division multiplexing (WDM) and an add and drop node for such a network. See column 1, lines 5-7, of Egnell.

There is no indication whatsoever in the record that combining the filter of Nagel into the optical fiber network as described in Egnell would be more efficient, let alone feasible. The

applicant also fails to find grounds for the assertion that providing an additional filtering of the added channel to remove noise from the added channel would be beneficial or obvious to one of ordinary skill in the art. Further, "[t]he references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention." See MPEP § 2141.01(II). Thus, Egnell and Nagel, both individually and in combination, fail to render the embodiment as recited in claim 1 obvious.

Although the above comments are specifically directed to claim 1, it is respectfully submitted that the comments would be helpful in understanding various differences of various other claims over the cited art.

In view of the above, it is respectfully submitted that the rejection is overcome.

III. REJECTION OF CLAIMS 3, 6, 14 AND 15 UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER EGNELL ET AL. IN VIEW OF NAGEL ET AL. AND ASAHI ET AL. (U.S. PATENT NO. 6,195,186)

Claim 3 recites a rejection/add filter for blocking a third optical signal having one of a plurality of preset wavelengths contained in the passing signal that is branched by the optical branching coupler, inserting the second signal, and coupling the passing signal that passes the rejection/add filter with the second optical signal, the wavelength of the blocked third optical signal being the same as the wavelength of the inserted second optical signal. The combination of Egnell and Nagel also does not render use of a rejection/add filter in the embodiment as claimed in claim 3 obvious. Per the above, the Examiner does not provide sufficient reasons for a person of ordinary skill in the art to combine the cited art. The addition of Asahi into the 35 U.S.C. § 103(a) analysis also falls short of providing any reason to combine the art to obtain the features of claim 3. Thus, claim 3 is not obvious and is patentably distinguishable over the cited art.

Although the above comments are specifically directed to claim 3, it is respectfully submitted that the comments would be helpful in understanding various differences of various other claims over the cited art.

In view of the above, it is respectfully submitted that the rejection is overcome.

IV. REJECTION OF CLAIM 12 UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER EGNELL ET AL. IN VIEW OF NAGEL ET AL. AND SRIDHAR AS APPLIED TO CLAIMS 1 AND 9 ABOVE, AND FURTHER IN VIEW OF ADAMS ET AL. (EP 1063803)

Claim 12 depends from claim 1 and adds further limitations thereto. Therefore, the

above arguments with respect to claim 1 also apply here. Further, Adams, in combination with the other cited art, falls to render the embodiment as recited in claim 12 unpatentable.

In view of the above, it is respectfully submitted that the rejection is overcome.

V. CONCLUSION

In view of the above, it is respectfully submitted that the application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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